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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,151	07/08/2003	David P. Resuta	MOT-D2536C1	8266
24375	7590	03/21/2005	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. MOT UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			TRAN, QUOC DUC	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,151

Applicant(s)

RESUTA, DAVID P.

Examiner

Quoc D Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/8/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,7-18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Barskiy et al (6,205,412) in view of Houh (2002/0015387).

Consider claims 1, 13 and 20, Barskiy et al teach a system and method for testing telephone operation, the method comprising: connecting a call agent simulator to a network; applying call actions or events from the call agent simulator to the network that are expected to produce expected results in the network; and verifying the actual results produced compared to the expected results (abstract; col. 3 lines 19-35; col. 4 lines 15-54; col. 6 line 14 – col. 7 line 23).

Barskiy et al did not suggest testing over a Voice over Internet (VoIP) network. However, Houh suggested such (col. 2 ¶ 13, 14, 45 and 46).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to take the telephone test system of Barskiy et al and apply to the VoIP test system of Houh in order to provide operation testing of various types of communications networks.

Consider claim 2, Barskiy et al teach the method further comprising: disconnecting the call agent simulator from the network; and connecting a call agent whose features are similar to the call agent simulator to the network (col. 5 lines 32-55).

Consider claim 3, Barskiy et al teach the method wherein the call agent simulator includes a plurality of functions performed over the network (col. 4 lines 7-54).

Consider claim 4, Barskiy et al teach the method further comprising extending the number of the functions (col. 5 lines 25-55).

Consider claim 7, Barskiy et al teach the method wherein the verifying the actual results produced in the network relative to the expected results is performed by the call agent simulator without compiling or linking of the call agent simulator (col. 2 lines 47-62; col. 7 lines 16-23).

Consider claim 8, Barskiy et al teach the method wherein the expected results occur in the network (col. 4 lines 23-54).

Consider claim 9, Barskiy et al teach the method wherein the expected results occur in a communications gateway (CG) connected to the network (col. 4 lines 23-54).

Consider claim 10, Barskiy et al teach a method to test or validate the operation of a call agent, the method comprising: obtaining an original version of the call agent simulator; and updating the call agent simulator by executing a new version (col. 5 lines 25-55).

Barskiy et al did not suggest testing or validating in a Voice over Internet (VoIP) network. However, Houh suggested such (col. 2 ¶ 13, 14, 45 and 46).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to take the telephone test system of Barskiy et al and apply to the VoIP

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test system of Houh in order to provide operation testing of various types of communications networks.

Consider claim 11, Barskiy et al teach wherein the updating the call agent simulator is performed without compiling or linking (col. 2 lines 47-62; col. 7 lines 16-23).

Consider claim 12, Barskiy et al teach wherein the new version relates to the operation of a communications gateway (CG) (col. 4 lines 23-54).

Consider claim 14, Barskiy et al teach wherein the call agent simulator further comprises: a manager level application; a line object for each phone line supported by the call agent, each line object includes the attributes for that phone line; and a call agent protocol library that is used by each line object to set up attributes (col. 5 lines 25-39, lines 61 – col. 6 line 37).

Consider claim 15, Barskiy et al teach wherein the manager level application is used to set up each line object (col. 5 lines 25-39, lines 61 – col. 6 line 37).

Consider claim 16, Barskiy et al teach wherein the manager level application dynamically add new line objects (col. 5 lines 25-39, lines 61 – col. 6 line 37).

Consider claim 17, Barskiy et al teach wherein the manager level application coordinates the line objects when making phone calls (col. 5 lines 31-55).

Consider claim 18, Barskiy et al teach wherein the line objects encapsulate call agent functions when making phone calls (col. 5 lines 31-55).

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barskiy et al (6,205,412) in view of Houh (2002/0015387) as applied to above, and further in view of Thayer et al (6,351,455).

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Consider claim 5 and 6, Barskiy et al did not clearly suggest the method wherein the call agent simulator uses a runtime interpretive language and wherein the call agent simulator uses the PERL language. However, Thayer et al suggested such (col. 2 lines 65 – col. 3 line 4; col. 6 lines 14-19). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Thayer et al into view of Barskiy et al in order to provide a faster execution of the language script thereby reduce time.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643 until 3/24/2005 and (571) 272-7511 after 3/24/2005**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708 until 3/24/2005 and (571) 272-7499 after 3/24/2005**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN

PRIMARY EXAMINER


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March 16, 2005